

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

MARK A. BARRY, M.D.,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action 1:14-cv-00104

Judge Ron Clark

PLAINTIFF'S NOTICE OF SUR-REPLY TO DEFENDANT'S REPLY

Pursuant to the Court's Scheduling Order (Dkt. 46), and in response to Defendant's Reply to Plaintiff's Responsive Letter Briefs (Dkt. 56), Plaintiff Dr. Mark Barry files his Sur-Reply Letter Briefs, attached as Exhibits 1 & 2, with corresponding exhibit to the Letter Briefs attached as Exhibit A.

Dated: July, 10 2015

Respectfully submitted,

GRAY, REED & McGRAW, PC

By: /s/ Jim L. Reed

David G. Henry, Sr.¹
State Bar No. 09479355
dhenry@grayreed.com
James L. Reed, Jr.
Texas Bar No. 16679200
jreed@grayreed.com
Michael D. Ellis
Texas Bar No. 24081586
mellis@grayreed.com
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
Telephone: (713) 986-7000

¹ Plaintiff has filed a motion to withdraw Mr. Henry as counsel from this case (Dkt. 51), but it has not been ruled on, and therefore he is still listed as lead counsel.

Facsimile: (713) 986-7100

David J. Healey
Fish & Richardson P.C.
State Bar No. 09327980
healey@fr.com
John R. Lane
State Bar No. 24057958
jlane@fr.com
1221 McKinney Street, Suite 2800
Houston, TX 77010
(713) 654-5300
(713) 652-0109 (Telefax)

ATTORNEYS FOR MARK A. BARRY, MD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 10, 2015, a true and correct copy of the foregoing document was served upon all known counsel of record through the Court's ECF system pursuant to Federal Rule of Civil Procedure 5(b)(3) and Local Rule CV-5.

/s/ Michael D. Ellis
Michael D. Ellis